

U.S. Patent Application No. 10/571,081  
Amendment After Final dated June 30, 2008  
Reply to Final Office Action of April 1, 2008

### **REMARKS/ARGUMENTS**

Reconsideration and continued examination of the above-identified application are respectfully requested.

By way of this amendment, claims 1-4 have been amended to recite "a protease derived from SARS" instead of the phrase "a bioactive protein." Support for this amendment can be found at least in paragraphs [0059]-[0063] of the present application. Claims 5 and 7-12 are canceled. Claims 1-4, 6, and 13-20 are pending in the application. Claims 13-20 have been withdrawn from consideration. No new questions of patentability should arise from this amendment, nor does the amendment necessitate any further searching on the part of the Examiner. The amendment places the application in condition for allowance. At a minimum, the amendment places the application in a better condition for appeal. Accordingly, no questions of new matter should arise and entry of this amendment is respectfully requested.

### **Claim Objections**

At page 2 of the Office Action, the Examiner states that claim 9 is objected to under 37 CFR § 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. The Examiner states that the protease protein recited in claim 9 is now outside the scope of parent claim 1.

By way of this amendment, claim 9 has been canceled, rendering this rejection moot.

Accordingly, this objection should be withdrawn.

### **Rejection of claims 1-6, 8, 10, and 12 under 35 U.S.C. §112, first paragraph**

At pages 3-4 of the Office Action, the Examiner states that claims 1-6, 8, 10, and 12 are

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rejected under 35 U.S.C. § 112, first paragraph because, the Examiner states, that the specification does not reasonably provide enablement for determining autodigestion or folding, or for determining bioactivity of capsid or coat proteins. The Examiner states, however, that the specification is enabling for determining reactivity to a drug by inhibiting or terminating transcription or translation or by measuring the biological activity of a polymerase or helicase. This rejection is respectfully traversed.

Claim 1 and the claims dependent thereon have been amended to recite, in part, a method for searching a drug to a protease derived from SARS. The present application provides sufficient enablement for searching a drug to a protease derived from SARS. For example, paragraphs [0059]-[0063] of the present application describe the screening process for inhibitor candidates to SARS protease.

Accordingly, this rejection should be withdrawn.

**Rejection of claims 1, 3, 5, 6, and 8-10 under 35 U.S.C. §103(a) – Kenten et al. in view of Endo et al.**

At page 4 of the Office Action, the Examiner states that claims 1, 3, 5, 6, and 8-10 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kenten et al. (U.S. Patent Application Publication No. 2003/0207290) in view of Endo et al. (WO 03/064671). The Examiner states that Kenten et al. teaches an assay using *in vitro* transcription and translation, suggests using the same assay for identifying modulators of activity, discusses activities of proteases, polymerases, and helicases, and suggests use of wheat germ extracts. The Examiner acknowledges that Kenten et al. does not discuss wheat germ extracts with substantial removal of endosperm and low molecular weight inhibitors. The Examiner states that Endo et al. teaches a

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wheat germ extract with substantial removal of endosperm and low molecular weight inhibitors, which has the advantages of high stability and high efficiency. The Examiner states that it would have been obvious to combine the teachings of Kenten et al. and Endo et al. This rejection is respectfully traversed.

Claim 1 and the claims dependent thereon have been amended to recite, in part, a method for searching a drug to a protease derived from SARS. The references cited by the Examiner do not alone, or in combination, teach or suggest this recited subject matter. In particular, Kenten et al. does not alone, or in combination with Endo et al. teach or suggest a method for searching a drug to a protease derived from SARS.

Accordingly, this rejection should be withdrawn.

Should the Examiner deem that any further action by Applicants or Applicants' undersigned representative is desirable and/or necessary, the Examiner is invited to telephone the undersigned at the number set forth below.


#### CONCLUSION

In view of the foregoing remarks, Applicants respectfully request favorable reconsideration of the present application and a timely allowance of the pending claims.

If there are any fees due in connection with the filing of this response, please charge the fees to Deposit Account No. 50-0925. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such extension is requested and should also be charged to said Deposit Account.

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